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Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council**

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 48/141 of 20 December 1993. It focuses on the progress made in the implementation of goals outlined in the Millennium Declaration (General Assembly resolution 55/2), in particular as they affect the rights of people living with and affected by human immunodeficiency virus/ acquired immunodeficiency syndrome (HIV/AIDS), persons with disabilities, indigenous peoples and trafficked persons. Some of the issues covered in the present report, in particular those related to HIV/AIDS, disabilities and indigenous peoples, were already the focus of my report to the substantive session of the Economic and Social Council in 2001. The present report provides an update in this regard. There is an addendum to the present report containing the *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (E/2002/68/Add.1).

II. The Millennium Goals

2. Adopted on 8 September 2000, at the largest gathering of world leaders ever assembled, the Millennium Declaration established a new global human order. Containing a statement of values, principles and objectives for the international agenda for the twenty-first century,[1] the Declaration also set deadlines for many collective actions. The ambitious yet achievable agenda addressed core global challenges in crucial areas such as peace and security, sustainable development, the protection of the environment and human rights, democracy and good governance. As the Secretary-General indicated, it lies within the power and responsibility of States to reach the goals that they have defined the Millennium Declaration.

3. Through the Millennium Declaration, world leaders reaffirmed their faith in the United Nations and in its Charter as indispensable foundations of a more peaceful, prosperous and just world. They recognized that they had a collective responsibility to uphold the principles of human dignity, equality and equity at the global level. The document aimed to prompt a re-examination of international cooperation and partnership and to explore prospects for a viable consensus on making people-centred development a central pillar of the work of the United Nations in the twenty-first century.

4. The fundamental values expressed in the Millennium Declaration could only be addressed if the approach to problem solution was revisited. At the request of the General Assembly in its resolution 55/162 of 14 December 2000, the Secretary-General prepared a report entitled, "Road map towards the implementation of the Millennium Declaration" (A/56/326). The "road map" report, which was intended to assist States in fulfilling their Millennium Declaration commitments, set out how the specified Millennium goals could be attained and outlined strategies to meet each particular goal. The strategies highlight cross-cutting issues where a coordinated approach can produce better results. This approach stems from recognition of the fact that the problems facing humanity today are closely interconnected. Each year, the Secretary-General will report to the General Assembly on the progress made to achieve specific Millennium goals.

A. The Millennium human rights goals

5. The Millennium Declaration sets out six commitments for promoting human rights, democracy and good governance. These six commitments could be termed the "Millennium human rights goals". States pledged to respect and fully uphold the Universal Declaration of Human Rights[2] and to strive for the full protection and promotion of civil, political, economic, social and cultural rights for all worldwide. They also vowed to strengthen the capacity of all countries to implement the principles and practices of democracy and human rights, including minority rights, to combat all forms of violence against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women.[3] States promised to take measures to ensure respect for and the protection of the human rights of migrants, migrant workers and their families and committed themselves to eliminating increasing acts of racism and xenophobia in many societies and promoting greater harmony and tolerance in all societies. They agreed to work collectively for more inclusive political processes, allowing genuine participation by all citizens in all countries, and to ensure the freedom of the media to perform its essential role and the right of public access to information. The Office of the United Nations High Commissioner for Human Rights is committed to assisting States in realizing these significant goals.

6. The Office of the United Nations High Commissioner for Human Rights assisted in the preparation of the Secretary-General's "road map", in particular with regard to the strategies for advancing the Millennium human rights goals. The road map report outlined 23 strategies to fulfil the specific commitments outlined above, including by encouraging Governments to implement legislative reform and strengthen domestic law enforcement mechanisms to promote non-discrimination and ensure compliance with international standards. The strategies also stress the integration of human rights in all development activities, focused on the economic, social and cultural well-being of each member of society, as well as the integration of human rights norms into United Nations system policies, programmes and country strategies, including country frameworks and development loans. Another strategy is to provide assistance to Governments in their efforts to involve civil society in policy-making decisions. Many of these strategies were already specified in the Vienna Declaration and Programme of Action[4] adopted at the World Conference on Human Rights in 1993.

B. The Millennium development goals

7. The Millennium Declaration contains eight commitments relating to development and poverty reduction, called, in the road map, the Millennium development goals. The eight Millennium development goals promise to eradicate extreme poverty and hunger; to achieve universal primary education; to promote gender equality and empowerment of women; to reduce child mortality; to improve maternal health; to combat HIV/AIDS, malaria and other diseases; to ensure environmental sustainability; and to develop a global partnership for development. These goals are now helping to focus national and international action and set priorities. They represent a partnership between the developed and developing countries for the creation of a national and international environment that is conducive to development and the elimination of poverty.

8. Many of the Millennium development goals were already specified by international conferences, particularly those held in the 1990s. The International Conference on Financing for Development, held in Monterrey, Mexico, in March 2002, and the World Summit for Sustainable Development, to be held in Johannesburg, South Africa, in August and September 2002, also provide important opportunities to develop the specific targets necessary to achieve these goals. While the Monterrey Conference focused on the mobilization of resources for development priorities and recognized the need for new partnership between developed and developing countries, the focus of the Johannesburg Summit is the creation of a new agenda with effective strategies and partnerships to achieve human development goals.

9. The Office of the United Nations High Commissioner for Human Rights assisted in identifying the strategies presented in the road map report to address the eight Millennium development goals. These strategies include 18 targets and more than 40 indicators. The specific targets include: halving, by 2015, the proportion of people living on less than one dollar a day and the proportion of people who suffer from hunger; eliminating gender disparity in primary education no later than 2015; reducing maternal mortality by three quarters by 2015; halting and beginning to reverse the spread of HIV/AIDS by 2015; integrating the principles of sustainable development into country policies and programmes; halving the proportion of people who are unable to reach or afford safe drinking water by 2015; achieving significant improvement in the lives of the at least 100 million slum dwellers by 2020; and providing, in cooperation with pharmaceutical companies, access to affordable essential drugs in developing countries.

C. Mutually reinforcing goals

10. The strategies to reach the Millennium human rights goals and the Millennium development goals reinforce and complement each other. The Millennium Declaration sought to advance action on a reshaping of the role of Government to encourage the building of the democratic instruments necessary for human development, to enhance political and financial support for development and to facilitate consensus on promotion of human rights, social justice, ownership and good governance at the national and the international levels. Most if not all of the strategies to achieve the Millennium development goals operate within a human rights framework.

11. A human rights approach to the strategies to implement the Millennium development goals promises a sound fulfilment of these commitments. Human

rights law provides a value system, a legal framework, monitoring mechanisms and realistic tools that can strengthen the effectiveness of the implementation of these goals. The core economic, social and cultural rights provide principles and operational strategies to address the problems of poverty, hunger, disease, illiteracy and slum dwellings. International human rights law recognizes that many human rights cannot be implemented immediately and must be realized progressively, subject to available resources. Accordingly, the precise human rights obligations of the State can vary over time (progressive realization) and from one State to another (because of differing resource availability). The elaborate system of the special rapporteurs and independent experts of the Commission on Human Rights as well as the expert bodies established to monitor the implementation of the six core human rights treaties provide a wealth of information that could usefully assist in assessing to what degree the Millennium development goals have been fulfilled.

12. There should be a stronger emphasis on the international human rights framework for each Millennium development goal. Reporting on country implementation of the Millennium development goals and other implementation activities should include identification of actions taken by Governments to fulfil their international human rights obligations for each goal and the identification of the most vulnerable groups in relation to each goal.

III. Rights of persons living with HIV/AIDS

13. The report of the Secretary-General to the General Assembly on the progress made to achieve the Millennium commitments in 2002 will address the issue of the treatment and prevention of diseases, including HIV/AIDS.

14. The links between HIV/AIDS, poverty and development are reflected in the targets contained in the Millennium development goals, from the reversal of HIV/AIDS and the eradication of extreme poverty and hunger, to the reduction of child mortality, the promotion of gender equality and empowerment of women and cooperation with pharmaceutical companies to provide access to affordable essential drugs in developing countries. The past year has been marked by an increased appreciation of the role of human rights and the realization of the right to health, specifically, in relation to the achievement of these goals. There are unprecedented commitments by States, civil society, national institutions and the private sector to work in partnership towards their achievement.

15. In 2001, I devoted a major section of my report to the Economic and Social Council to the rights of people living with and affected by HIV/AIDS. The significance in human rights terms of this epidemic, and, conversely, the importance of human rights as a tool for fighting it, cannot be overstated. Forty million people are now living with HIV/AIDS. Around 22 million have already died and another 15,000 people are infected with HIV every day. In sub-Saharan Africa, AIDS is now the leading cause of death, and the epidemic is quickly spreading through Eastern Europe, Asia and the Caribbean.

16. Since my report in 2001, HIV/AIDS has been placed squarely on the international political agenda as a challenge to human development. The overwhelming burden of AIDS is shouldered by developing countries where poverty, underdevelopment and illiteracy are primary contributing factors to the spread and impact of the epidemic. The epidemic is reversing development gains by shortening life expectancy of working-age adults; shrinking the workforce; dramatically increasing the number of infant and child deaths; creating millions of orphans; and increasing poverty. It is undermining productivity, security, health care, food production, civil service systems, social cohesion and political stability. In the most affected countries, it is impeding foreign investment as investors avoid countries where a significant proportion of the labour force is HIV positive. In short, AIDS and poverty are now mutually reinforcing negative forces in many developing countries.

17. The impact of HIV/AIDS cuts across all human rights, including the right to development. The right to development places the human person at the centre of development, emphasizing participation, accountability, non-discrimination and empowerment. By inducing or deepening poverty, HIV/AIDS erodes economic and social rights, including the right to health, adequate housing, food and safe drinking water and education. Fuelled by AIDS-related stigma and discrimination, the epidemic compounds existing gender inequalities and negates civil and political rights such as political participation and access to

justice. In many instances, it denies affected individuals their right to participate in, contribute to, and enjoy economic, social, cultural and political development.

18. To be effective, the global response to the AIDS epidemic requires sustainable action to improve respect for all human rights. It also requires the implementation of development policies, including poverty eradication initiatives, that are both grounded in human rights and informed by the principles of participation, accountability, non-discrimination and empowerment. In that light, human rights should be considered as both vital tools to meet the development goal of reversing the spread of HIV/AIDS, as set out in the Millennium Declaration, and as indicators of progress towards its achievement.

19. In light of the many recent developments in the global fight against HIV/AIDS, the Office of the United Nations High Commissioner for Human Rights adopted a revised strategy on HIV/AIDS at the end of 2001. The Office is working closely with the Joint United Nations Programme on HIV/AIDS (UNAIDS) to strengthen the capacity of the United Nations human rights system to address the human rights dimensions of HIV/AIDS; to support the integration of the protection and promotion of human rights into national responses to HIV/AIDS; and to provide global and regional advocacy, including by encouraging Governments, NGOs, civil society, and national and international organizations to address the human rights dimensions of HIV/AIDS in their policies and activities. We have focused our efforts on the development of priority legal and policy issues, such as HIV/AIDS-related stigma and discrimination and the right to health.

A. Stigma and discrimination

20. At the historic twenty-fourth special session of the General Assembly in June 2001, Governments agreed to place human rights at the core of the global plan of action for fighting AIDS. The Declaration of Commitment adopted at the twenty-fourth special session reflects the international community's commitment to address the factors that make individuals vulnerable to HIV infection, including poverty, lack of education, discrimination, lack of information and/or commodities for self-protection and sexual exploitation. It reflects the commitment by Governments to integrate prevention, care, treatment, support and impact mitigation priorities into the mainstream of development planning, including in poverty eradication strategies, national budget allocations and sectoral development plans. Importantly, the Declaration of Commitment recognizes the need to take action against stigma, silence, discrimination and denial, all of which undermine prevention, care and treatment efforts and increase the impact of the epidemic on individuals, families and communities.

21. This recognition must be the starting point for an effective international response. The rights of people living with HIV/AIDS often are violated because of their presumed or known HIV status, causing them to suffer both the burden of the disease and the consequential loss of rights. This, in turn, contributes to the vulnerability of others to infection, since HIV and AIDS-related stigma and discrimination discourage individuals infected with and affected by HIV from contacting health and social services. This fear continues to prevent people from seeking treatment and care. The result is that those most in need of information, education and counselling fail to benefit from such services, even when these services are available. The Declaration of Commitment reflects global consensus on the importance of tackling stigma and discrimination through the adoption of legislation and other measures to eliminate all forms of discrimination against people living with HIV/AIDS and other vulnerable groups.

22. Recognizing the negative impact of and committing to take action against AIDS-related stigma and discrimination are vital first steps. To be meaningful, however, this commitment first requires an understanding of what stigma and discrimination are and an appreciation of how they relate to a lack of respect for other human rights. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was held in Durban, South Africa, in September 2001, provided a unique opportunity to address these issues. My Office, in collaboration with UNAIDS and the World Health Organization (WHO), hosted a panel event in Durban to explore the relationship between multiple forms of racism and discrimination as determinants of and responses to the HIV/AIDS epidemic. The meeting provided the opportunity for people living with HIV/AIDS, Governments, United Nations agencies,

non-governmental organizations (NGOs) and national human rights institutions to discuss the links between poverty, racism, gender inequalities and HIV/AIDS. The meeting highlighted the need for a greater understanding of the impact of multiple forms of HIV/AIDS-related discrimination and for renewed efforts to counteract them.

23. At the World Conference, States acknowledged, that people infected with or affected by HIV/AIDS, as well as those presumed to be infected, also belong to groups vulnerable to racism and other forms of intolerance. States agreed to strengthen national mechanisms to promote and protect the human rights of victims of racism who are also infected with HIV/AIDS. They agreed to take measures to eliminate violence, stigma, discrimination, unemployment and other negative consequences arising from the epidemic. They committed themselves to the establishment of programmes to promote access to health care for victims of racism.

24. The United Nations Commission on Human Rights has long considered the impact of HIV/AIDS on human rights and, since 1996, has addressed the issue as part of its formal agenda. At its fifty-seventh session in 2001, the Commission adopted resolution 2001/51, recognizing the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all so as to reduce vulnerability to HIV/AIDS and to prevent HIV/AIDS-related discrimination and stigma. The Commission has asked Governments, United Nations organs, programmes and the specialized agencies, international and non-governmental organizations and national human rights institutions to take all necessary measures for the protection of the human rights of persons infected and affected by HIV/AIDS, including by ensuring that their laws, policies and practices respect human rights in the context of HIV/AIDS.

25. These commitments provide an important framework for the next World AIDS Campaign (2002-2003), which will focus on stigma, discrimination and human rights. The Office of the United Nations High Commissioner for Human Rights has been engaged in the development of the conceptual framework for the campaign from the outset, and will continue to work in close cooperation with UNAIDS to foster the development of policies and strategies for fighting AIDS-related stigma and discrimination throughout, and well beyond, the duration of the campaign.

B. Access to HIV/AIDS-related medication

26. Providing access to affordable essential drugs in developing countries is one of the main strategies identified in the road map report for the achievement of the Millennium development goals. The vast majority of those living with HIV and AIDS do not have access to affordable medication, treatment and support. This not only prevents those affected from enjoying the highest attainable standard of health, it also impedes prevention efforts by discouraging people from being tested for HIV.

27. Considerable progress has been made to increasing access to HIV/AIDS-related medication in developing countries, both through domestic efforts and through increased international cooperation and assistance. The United Nations human rights system has been at the forefront of these efforts. In April 2002, the Commission on Human Rights adopted resolution 2002/32, in which it recognized that access to medication in the context of pandemics such as HIV/AIDS is one fundamental element for achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The resolution called on States to pursue policies that would promote:

(a) The availability in sufficient quantities of pharmaceuticals and medical technologies used to treat pandemics such as HIV/AIDS or the most common opportunistic infections that accompany them;

(b) The accessibility to all without discrimination, including the most vulnerable sectors of the population, of such pharmaceuticals or medical technologies and their affordability for all, including socially disadvantaged groups;

(c) The assurance that pharmaceuticals or medical technologies used to treat pandemics such as HIV/AIDS or the most common opportunistic infections that accompany them, irrespective of their sources and countries of origin, are scientifically and medically appropriate and of good quality.

28. Significant developments have taken place since the adoption of that resolution. The Declaration of Commitment on HIV/AIDS, adopted at the twenty-sixth special session of the General Assembly, recognized that effective prevention, care and treatment strategies will require increased availability of, and

non-discriminatory access to, medication. At the Fourth Ministerial Conference of the World Trade Organization (WTO), in Doha, in November 2001, Governments adopted a declaration that stressed the need for the WTO Agreement on Trade-related Intellectual Property Rights (TRIPS) to be interpreted in a manner supportive of the right of States members of WTO to protect public health and promote access to medicines, in particular with regard to public health problems affecting developing countries, such as HIV/AIDS. The declaration sends an important signal regarding the need to balance intellectual property rights against public health priorities for developing countries.

29. These developments are important steps towards the achievement of the Millennium development goals. Ensuring that these developments have meaning for people living with and affected by HIV/AIDS will, however, require a massive increase in international assistance and cooperation. The establishment of the Global Fund to Fight AIDS, Tuberculosis and Malaria is a vital step forward in this regard. The Fund, established in order to attract, manage and disburse additional resources through public and private partnership, will make a sustainable and significant contribution to the reduction of infections, illness and death, thereby mitigating the impact caused by HIV/AIDS, tuberculosis and malaria in countries of need. It awarded its first round of grants in April 2002 and will consider a second round of proposals in July 2002.

30. To raise awareness and assess the implications of these developments in human rights terms, my Office, together with UNAIDS and WHO, organized a meeting parallel to the fifty-eighth session of the Commission on Human Rights. The meeting was attended by a large number of representatives from Governments, United Nations agencies and NGOs, as well as by participants from the private sector. Speakers assessed the human rights implications of recent developments within the context of the international legal framework for the right to health, through a consideration of national experiences; the role of civil society; and global institutional experiences. The meeting underscored the responsibility of the international community to ensure equitable access to medication for people living with HIV/AIDS in developing countries, the central importance of the human rights community in improving care, treatment and support for those living with HIV/AIDS, and the need for a massive increase in financial assistance to the countries most affected.

31. The Office of the United Nations High Commissioner for Human Rights will continue to encourage the international community to build on recent commitments and to ensure that human rights are central to the decision-making of Governments, international organizations, companies and civil society in the response to HIV/AIDS at all levels.

IV. The rights of persons with disabilities

32. Last year, I devoted parts of my report to the Economic and Social Council to the rights of persons with disabilities. It has been estimated that over 600 million persons, constituting approximately 10 per cent of world's population, suffer from one or another form of disabilities. Over two thirds of those live in developing countries. Discrimination against persons with disability has been neglected for too long. Persons with functional limitations or disabilities are often particularly vulnerable to exclusion and marginalization.

33. There is a growing recognition in all parts of the world that we cannot tackle the various dimensions of disability through charity work. Persons living with disabilities are rights holders. A main focus of the human rights perspective on disability is to ensure that persons with disabilities equally and effectively enjoy all human rights, without discrimination. The principle of non-discrimination is central to this right-based approach. Non-discrimination is a core and fundamental human rights norm embodied in the Universal Declaration of Human Rights[2] and the six major human rights treaties.

34. In 1993, the human rights perspective on the question of disability was endorsed by the General Assembly when it adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities.[5] The Standard Rules directly address the responsibility of States and include an independent and active monitoring mechanism in the form of a special rapporteur who reports to the Commission for Social Development. The Special Rapporteur was appointed in 1994. The Standard Rules and the Special Rapporteur continue to raise awareness about the human rights of persons with disabilities and to

stimulate positive changes in various parts of the world.

35. Nevertheless, a core problem in the field of disability is the relative invisibility of persons with disabilities both in society and under the existing international human rights instruments. In the Millennium human rights goals, States pledged to strive for the full protection and promotion of all human rights for all. Amongst the developed strategies to move forward on this goal is to ensure the integration of human rights in all development activities focused on the economic, social and cultural well-being of each member of society. The Millennium development goals relating to education, the empowerment of women, child mortality and developing partnerships for development are particularly relevant to the question of disability.

36. A human rights approach to disability requires that persons with disabilities do not remain invisible when measuring the implementation of the Millennium goals. For instance, one target in the Millennium development goals is to ensure that, by 2015, children everywhere will be able to complete a full course of primary schooling. At present, only 2 per cent of disabled children in the developing world receive any education or rehabilitation. There is abundant evidence to demonstrate that even those with severe disabilities can acquire and improve a wide range of skills and attain a high level of proficiency.

37. Some groups of persons with disabilities are more invisible than others and are therefore even more marginalized within their societies. This category includes persons with mental disabilities. The integrity of persons with mental disabilities is often violated. Those with intellectual disabilities are frequently underestimated or ignored. Persons with psychiatric disabilities are sometimes subjected to coercive medical treatments and medical or scientific experimentation without their consent. They are often subjected to unwarranted privation in psychiatric institutions, as well as to many other forms of maltreatment, including inappropriate pharmaceutical treatments, sterilization, psychosurgery and other forms of irreversible medical "therapy".

38. More serious attention should be given to multiple or aggravated forms of discrimination. Special attention should be given to combined grounds for discriminating against persons with disabilities, such as women, children or persons belonging to ethnic or racial minorities, who often suffer from multiple forms of discrimination. Discriminatory or unequal treatment affecting people with disabilities based on other factors such as sex, language, religion, political or other opinion, social origin, property, birth or other status, is subject to the non-discrimination provisions of human rights law. Both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights also refer to the prohibition of discrimination on the basis "of any kind" of distinction. This includes discrimination relating to disability. There is a need for strategies, policies and programmes aimed at ensuring equal opportunities, which may include positive measures for removing systemic barriers and other forms of discrimination and intolerance for such persons. Recent research has demonstrated that 39 States have adopted non-discrimination or equal opportunity legislation in the context of disability.

39. In December 2001, the General Assembly adopted resolution 56/168 on a "Comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities", in which it acknowledged the important role played by the Standard Rules in influencing positive developments at the national and international levels. It recognized, however, that notwithstanding the efforts made to increase awareness and sensitivity on the issue of disability, these efforts have not been sufficient to ensure full and effective participation of disabled persons in economic, social and cultural life. As a result, the General Assembly decided to establish an Ad Hoc Committee to consider proposals for a comprehensive and integral international convention to protect and promote the rights and dignity of persons with disabilities, taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development.

The Office of the United Nations High Commissioner for Human Rights study on disability

40. In resolution 2000/51, the Commission on Human Rights invited the United Nations High Commissioner for Human Rights, in cooperation with the Special Rapporteur on Disability of the Commission for Social Development, to examine measures to strengthen the

protection and monitoring of the human rights of persons with disabilities. As a result, the Office of the High Commissioner has been involved in the preparation of a study to evaluate existing standards and mechanisms in the field of human rights and disability. The "Study of the Current Use and Future Potential of the United Nations Human Rights Instruments in the Context of Disability" is the first outcome of a wider project aimed at providing a conceptual framework for the human rights dimension of disability.

41. The study has three main objectives: to clarify the relevance of the six United Nations human rights treaties to disability; to review how the human rights treaty system actually works in practice with respect to disability; and to provide options for the future. The main thesis of the study is that the process of disability reform, which is taking place worldwide, could be immeasurably strengthened and accelerated if greater and more targeted use were made of the human rights treaties.

42. In order to clarify the relevance of the six human rights treaties to disability, the study identifies the various obligations of States parties under the treaties and explains how the relevant enforcement mechanisms work in the context of disability. In this regard, the study constitutes a useful reference work for all stakeholders, including States parties, the treaty monitoring bodies themselves, the Office of the United Nations High Commissioner for Human Rights, national human rights institutions and civil society.

43. By looking at how States parties report to the treaty monitoring bodies on human rights and disability, and at how the treaty monitoring bodies respond, the study reviewed how the human rights treaty system actually works in practice with respect to disability. In this context, the study examined a total of 147 recent periodic State party reports, which were selected to ensure a reasonable geographic spread on the basis of the availability of documentation. The object of this analysis was to see how States parties saw themselves as discharging their obligations in the specific context of disability. The study also examined the way in which the treaty monitoring bodies deal with the issue of human rights of disabled persons and analysed the actual and potential use of the six human rights treaties by the various committees in the field of disability.

44. The study provided observations, comments and recommendations concerning ways in which the various stakeholders might enhance their use of the six human rights instruments in the context of disability. It aimed at strengthening the system, while arguing for the adoption of a thematic convention on the rights of persons with disabilities. As a general observation, the study found that while the treaty monitoring bodies do an excellent job overall on the issue of disability, given the limited resources and the wide range of issues and groups, the system remains generally underused in advancing the rights of persons with disabilities.

45. The study encouraged the treaty monitoring bodies to clarify the relevance of the various human rights standards in the context of disability and to consider the adoption of disability-specific general comments or recommendations. The list of issues to be addressed by States parties in their periodic reports should include disability and reference to the latter should also be included in the concluding observations/comments and recommendations of the treaty bodies. The study further encouraged the six human rights treaty bodies to consult more closely with NGOs working in the field in the drafting of their periodic reports and to nominate persons with disabilities for election to the treaty monitoring bodies.

46. The study acknowledged that independent national human rights institutions are strategic partners in promoting and protecting the rights of persons with disabilities. Independent national institutions play a catalytic role between Governments and relevant intergovernmental, and non-governmental bodies and organizations in the area of policy reform. It is, therefore, becoming increasingly important for the Office of the United Nations High Commissioner for Human Rights to strengthen its cooperation with and its support to such institutions in the field of disability.

47. The preliminary findings of the study were presented at a meeting on 14 January 2002 with the participation of the Special Rapporteur on Disability. Over 30 States were represented, as well as a number of NGOs working in the field of disability, as well as United Nations bodies and agencies, including the International Labour Organization (ILO), WHO, the United Nations Children's Fund (UNICEF), UNAIDS and the United Nations Development Programme (UNDP) and the Department for Economic and Social Affairs of the Secretariat. A follow-up to that meeting

took place on 15 April 2002, during the fifty-eighth session of the Commission on Human Rights.

48. On 16 April 2002, in parallel to the fifty-eighth session of the Commission on Human Rights, the Office of the United Nations High Commissioner for Human Rights organized a meeting entitled "National human rights institutions and disability rights: protection at the national level". The event represented a follow-up to the consultation organized during the fifty-seventh session of the Commission on Human Rights, during which national human rights institutions expressed their wish to work closely with human rights mechanisms.[6] The meeting, which was attended by national institutions from every region, focused on effective strategies and policies at the national level to promote the rights and the full and effective participation of persons with disabilities in economic, social, cultural and political life, on the basis of equality.

V. Rights of indigenous people: Permanent Forum on Indigenous Issues

49. The commitments made in the Millennium Declaration are of particular relevance to indigenous peoples. Many of the world's more than 300 million indigenous people experience exclusion and marginalization in many of the countries in which they live. They are often poorly served by education, health, housing and other services. WHO has noted significant inequities in the health status of indigenous peoples, that indigenous peoples' life expectancy at birth may be 10 to 20 years less than for the overall population and that infant mortality rates can be up to three times greater than national averages. Focusing on indigenous peoples as part of the implementation of goal 4 of the Millennium development goals on reducing child mortality would specifically address this acute problem.

50. In my report to the Economic and Social Council in 2001,[6] I provided information about the recently established Permanent Forum on Indigenous Issues. The present report provides further information on the preparations that were undertaken for the first session of the Permanent Forum and, in particular, on the institutional mechanisms that have been created to support its work. The Permanent Forum met for the first time from 13 to 24 Ma, 2002, and will present its first report to the present substantive session, in accordance with Council resolution 2000/22.

51. It will be recalled that the Secretary-General designated the Office of the United Nations High Commissioner for Human Rights as the lead agency for the preparations for the Permanent Forum. In this respect, the Office of the High Commissioner took responsibility for the administrative arrangements in connection with the preparations, including those connected with the election and appointment of expert members, the consultations with interested partners such as Governments, indigenous peoples and United Nations organizations and the organization of the first session of the Permanent Forum in New York.

52. It was considered important to develop an inter-agency approach among the organizations of the United Nations system in relation to the Permanent Forum. Informal consultations among the focal points of each United Nations organization and among the heads of agencies led to the recommendation and establishment of an Inter-agency Support Group for the Permanent Forum on Indigenous Issues. The Inter-agency Support Group met for two days in January 2002 and considered ways of supporting the Permanent Forum. The group subsequently reported on its deliberations and outcomes to Governments and indigenous peoples.

53. At its first meeting, the Inter-agency Support Group discussed practical ways in which it could contribute to the first session of the Permanent Forum, in particular through the provision of documentation, the participation of technical expertise and the secondment of staff for the servicing of the session. It was decided that the group would meet at least two times a year with a view to ensuring that the Permanent Forum receives concerted and coordinated assistance from the United Nations system. The Inter-agency Support Group is composed of various United Nations departments and organizations, including the Department of Public Information, the Office of the United Nations High Commissioner for Human Rights, the Food and Agriculture Organization of the United Nations (FAO), the United Nations Institute for Training and Research (UNITAR), the United Nations Population Fund (UNFPA), UNICEF, UNDP, ILO, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Intellectual Property Organization (WIPO), the United Nations Centre for Human Settlements (Habitat), WHO, WTO,

the United Nations Environment Programme (UNEP), the Convention on Biological Diversity secretariat and the World Bank.

54. An issue that has emerged forcefully during the 18 months since the decision to establish the Permanent Forum and its first session is the absence of financial and human resources to assist with the preparatory work. To date, no regular budget resources have been set aside for the secretariat needs of the Forum. The only expenses so far covered by the regular budget are costs associated with the travel and daily allowances of the Forum members and the conference services for the sessions of the Forum themselves. In my capacity as High Commissioner, and on behalf of the heads of United Nations organizations, I made an appeal to Governments for extrabudgetary resources as an interim measure, until such time as the regular budget is increased to accommodate the activities of the Forum. Regrettably, only one Government made a financial contribution following my appeal. This has meant that the Office of the United Nations High Commissioner has had to draw upon its own unearmarked human rights funds to meet the costs of the Forum.

55. The Economic and Social Council will need to take a decision in regard to the secretariat needs of the new body and to recommend that resources be set aside in the regular budget for that purpose. The Permanent Forum will make its own proposals for activities to be undertaken over the ensuing 12 months, and these will determine, to a large extent, the secretariat needs and, in particular, any additional resources that might be necessary. Some United Nations organizations may be in a position to contribute resources, as was the case, to some degree, in the servicing of the first session of the Permanent Forum. However, if United Nations organizations and the specialized agencies are also to make resources available for new undertakings that may be approved, as suggested in paragraph 6 of Economic and Social Council resolution 2000/22, these resources will need to be authorized by the governing bodies of the respective agencies. The burden for ensuring system-wide support for indigenous issues falls upon Member States.

56. These practical matters notwithstanding, the Permanent Forum offers an exceptional opportunity for addressing the very real disadvantages faced by indigenous peoples. It brings together indigenous representatives, Governments and the technical expertise of the United Nations system. It is a formidable concentration of worldwide experience. It represents a mechanism for the exchange of best practices, a network for partnership projects between the United Nations and the indigenous community and the starting point for coordinated programmes of the United Nations system.

57. It is noted that the Economic and Social Council will review all existing mechanisms, procedures and programmes within the United Nations concerning indigenous issues, including the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights, with a view to rationalizing activities, avoiding duplication and overlap and promoting effectiveness. It may be observed, however, that the Permanent Forum is not a starting point, but part of a continuum of activities that have been growing within the United Nations over two decades. It is one of the building blocks of a coherent and comprehensive response by the Organization. Its mandate is focused on inter-agency cooperation and coordination. Since the Forum is hardly a substitute for the work done in the human rights area, it would be a pity if the establishment of one body should lead to the demise of another.

58. It cannot yet be said that indigenous peoples are equitably treated by the United Nations. As noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, indigenous peoples are often the victims of direct discrimination and racism. But even more frequently, they are victims of diffuse structural discrimination as a result of the way that public and private institutions operate and distribute collective goods and services. It should be noted that this kind of discrimination is not always recognized as such and that special measures must be adopted to combat racism and discrimination against indigenous people through the use of the media and public education. The United Nations needs to guard against any such structural discrimination in its work and to ensure that indigenous peoples' issues become a central part of our work.

VI. Trafficking in human persons

59. Through the Millennium human rights goals, States vowed to take measures to ensure respect for the protection of the human rights of migrants, migrant

workers and their families. The strategies for moving forward on this goal, as elaborated in the Secretary-General's road map report, include continuing the United Nations work to provide technical advice and training to lead the dialogue on specific policies dealing with migration issues and their implications.

60. Trafficking in human persons is a particularly abusive form of migration. The problem of trafficking and the web of human rights violations it embraces present some of the most complex and pressing issues on the international human rights agenda. Complexities include: the different political contexts and the geographical dimensions of the problem; ideological and conceptual differences of approach; the mobility and adaptability of traffickers; the different situations and needs of trafficked persons; the inadequate legal framework; and insufficient research and coordination on the part of actors involved at the national, regional and international levels. Despite increasing attention, and no doubt because of different perceptions relating to the nature of the problem and preferred solutions, attempts to deal with trafficking have been ad hoc, sporadic and largely ineffective. Overall, efforts have revealed a marked tendency to marginalize the human rights and gender dimensions of trafficking. As a result, the rights of trafficked persons and the human rights violations, which are both a cause and consequence of trafficking, have often been neglected.

61. Since 1998, the Office of the United Nations High Commissioner for Human Rights has given priority to the issue of trafficking in persons, especially women and children. The overall goal of the Office's work in this sector is the integration of human rights into international, regional and national anti-trafficking initiatives through legal and policy development. The Office's trafficking programme has achieved substantial and verifiable results since its commencement in 1999. Detailed information on the progress of the programme and its future direction is contained in the recent report of the Secretary-General to the fifty-eighth session of the Commission on Human Rights (E/CN.4/2002/80).

62. One of the most significant outputs of the Office's trafficking programme is the *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (E/2002/68/Add.1), the development of which began in 2000 in response to the clear need for practical, rights-based policy guidance on the trafficking issue. The *Recommended Principles and Guidelines*, the result of a wide-ranging informal consultation involving individual experts and key intergovernmental organizations, agencies and programmes, are intended to promote and facilitate the integration of a human rights perspective into national, regional and international anti-trafficking laws, policies and interventions and to serve as a framework and reference point for the work of the Office of the High Commissioner on this issue. I encourage States and intergovernmental organizations to make use of the *Recommended Principles and Guidelines* in their own efforts to prevent trafficking and to protect the rights of trafficked persons.

VII. Final remarks

63. The realization of the Millennium goals will have an enormous impact on humanity. The Millennium goals are built on the fundamental values essential to international relations in the twenty-first century, including freedom, equality, solidarity, tolerance, respect for nature and shared responsibility. In order to translate those shared values into actions, the Millennium goals were identified. Faithful implementation of the Millennium human rights and Millennium development goals will directly benefit those who experience discrimination, exclusion and marginalization, in particular: the 40 million people now living with HIV/AIDS; the 600 million persons with disabilities; the 300 million indigenous people; and the unknown but rapidly increasing number of individuals falling victim to the exploding trade in human beings.

64. The universal human rights framework provides a platform for empowerment and participation of the individual. It provides standards that can ensure non-discrimination in achieving the development goals and offers a basis for the accountability of States. In addition, human rights principles not only serve as tools in meeting these development goals, but also as indicators of progress towards their achievement. Human rights expertise can also make a contribution to capacity-building at the national level to strengthen the rule of law and to support democratic institutions.

65. We all share the responsibility of achieving the Millennium goals. States working in partnership with the United Nations, the private sector and civil society can translate the goals into reality. My Office is committed to working with all partners. It is, however, up to Governments, working individually and in

cooperation with each other, to ensure that the commitments that they made in the Millennium Declaration are fully realized.

Notes

[1] Of the 189 Member States that adopted the Millennium Declaration, 147 were represented directly by their head of State or Government.

[2] General Assembly resolution 217 A (111).

[3] General Assembly resolution 34/180, annex.

[4] A/CONF.157/24 (Part I), chap. III.

[5] General Assembly resolution 48/96, annex.

[6] E/2001/64, para. 65.